

REMARKS/ARGUMENTS

It is asserted that these amendments do not add new matter and are supported by the specification and claims as originally filed. Entry of these claims is respectfully requested.

Claims 29-42 and 45-55 have been rejected.

Claims 43 and 44 are objected to.

Claims 41, 44-47, and 49 have been amended.

Claims 29-40, 42-43, 48 and 50-55 are kept unchanged.

Claims 29-55 are pending in the application.

Claim 56 has been withdrawn from consideration and canceled.

Applicant makes the affirmation of the election of group I, claims 1-55, without traverse and cancels the non-elected claim 56.

Claim 41 has been amended to claim a water-soluble comb copolymer having a weight-average molecular mass (Mw) of between 2 000 and 5×10^5 g/mol.

The dependency of claims 45, 46 and 47 has been fixed. The objection to claim 48 is now moot because claim 48 depends upon amended claim 47, now dependent on claim 46 reciting a copolymer through claim 45.

The rejection of claims 29-41 and 50-55 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,500,871, in view of Anderson et al. (US 6,413,590), is now moot because a terminal disclaimer regarding U.S. Patent No. 6,500,871 is herewith enclosed.

The rejection of claims 24-42, 47, and 50-52 under 35 U.S.C. § 103 (a) as being unpatentable over Raghavan (U.S. Patent 5,133,955), in view of December (U.S.

Patent 6,376,616), is respectfully traversed and is addressed in light of the comments below.

The invention relates to a process for making particles comprising at least one metal ion, using a water-soluble comb copolymer having anionic groups.

The comb polymer having anionic groups helps in this process and presents multiple functions comprising: controlling the growth of particles (page 3, lines 22-24), easing re-dispersion (page 3, lines 25-27), and stability on storage (page 2, lines 19-24).

The process is carried out in an aqueous medium (step a)), since no hydrophobic phase or medium is added.

Raghavan describes a process for making oxides particles. The process is carried out in a reverse emulsion medium having:

- an external hydrophobic phase (organic alcohol having at least 5 carbons, such as octanol)
- an amphipatic surfactant forming inverted micelles (CTAB)
- an internal aqueous phase dispersed therein having a metal salt precursor.

The amphipatic surfactant has a cationic charge. It is not a polymer.

Raghavan is indeed not relevant because the invention is carried out in water.

December describes a polymer for dispersing a pigment. December is mute about the pigment preparation. According to December's teaching, it is necessary to add the dispersant to the pigment upon grinding the pigment (col 8, lines 14-22). Therefore, December teaches away from using a dispersant when preparing pigments.

Applicant submits that the one skilled in the art would not have combined the documents. The one skilled in the art would not have used the dispersant according to

December, which is intended to be used when grinding pigment, in a process for preparing particles for a metal ion.

Moreover, Raghavan describes using a cationic surfactant. The one skilled in the art would not have considered replacing a cationic compound with a polymer having anionic groups according to the invention.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 24-42, 47, and 50-52 under 35 U.S.C. § 103 (a) as being unpatentable over Raghavan (U.S. Patent 5,133,955), in view of December (U.S. Patent 6,376,616).

The rejection of claims 45, 46, 47, and 49 under 35 U.S.C. § 103 (a) as being unpatentable over Raghavan (U.S. Patent 5,133,955), in view of December (U.S. Patent 6,376,616), and further in view of Anderson et al. (US 6,413,590), as applied above, is respectfully traversed and is addressed in light of the comments below.

The above comments on Raghavan (U.S. Patent 5,133,955), and December (U.S. Patent 6,376,616) are also relevant to address the outstanding rejection.

Anderson (US 6,413,590) teaches a process for the preparation of an ink jet media using an ink receptive coating mixture comprising a water-soluble polymer also capable of absorbing ultra-violet radiation leading to an excited state capable of undergoing photo-chemical reactions. The ink receptive coating mixture also comprises a mixture of polyvinyl alcohol or a copolymer thereof or a graft copolymer thereof. The function involved in Anderson's process (column 2, lines 24-30) for that mixture or copolymer or graft copolymer is to induce photo-chemical reactions (column 2, 12-24) and to cross-link with the water-soluble polymer (column 1, lines

43-45). That function is utterly different from the multiple functions of the water-soluble comb copolymer mentioned above. Thus, there is no motivation at all to combine Anderson with December and Raghavan in an attempt to retrieve the instant claimed invention.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 45, 46, 47, and 49 under 35 U.S.C. § 103 (a) as being unpatentable over Raghavan (U.S. Patent 5,133,955), in view of December (U.S. Patent 6,376,616), as applied above, and further in view of Anderson et al. (US 6,413,590).

The rejection of claims 53-55 under 35 U.S.C. § 103 (a) as being unpatentable over Raghavan (U.S. Patent 5,133,955), in view of December (U.S. Patent 6,376,616), as applied above, and further in view of GB 1055934, is respectfully traversed and is addressed in light of the comments below.

The above comments on Raghavan (U.S. Patent 5,133,955), and December (U.S. Patent 6,376,616) are also relevant to address the outstanding rejection.

GB 1055934 (column 2, lines 47-59) relates to a method for making dispersible pesticidal concentrates comprising the first step of dissolving the pesticide in an organic solvent immiscible with water. Such a step has clearly nothing to do with step a) of the instant claimed process and, thus, there is no motivation at all to combine Anderson with December and Raghavan in an attempt to retrieve the instant invention as claimed in claims 53-55.

Moreover, the inorganic or organic lignosulfonate mixed with the solvent-dissolved pesticide has a completely different chemical structure vis-à-vis the water-soluble

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comb copolymer used in step b) of the instant claimed process. Thus, GB 1055934 cannot suggest that the water-soluble comb copolymer can lead to stable dry granules that will not coagulate upon redispersion. In addition to that, the water-soluble comb copolymer presents in the previous steps of the claimed process other functions and advantages mentioned above which cannot be obtained with lignosulfonates.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 53-55 under 35 U.S.C. § 103 (a) as being unpatentable over Raghavan (U.S. Patent 5,133,955), in view of December (U.S. Patent 6,376,616), as applied above, and further in view of GB 1055934.

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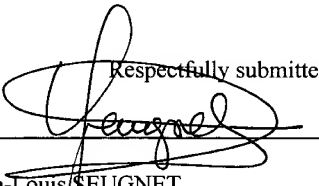
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In view of the preceding remarks, it is asserted that the patent application is in condition for allowance. Should the Examiner have any question concerning these remarks that would further advance prosecution of the claims to allowance, the examiner is cordially invited to telephone the undersigned agent at (609) 860-4180. A notice of allowance is respectfully solicited.

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